



February 3<sup>rd</sup>, 2015

To: Cook County Board of Commissioners

From: Mary Dixon, Legislative Director

**Statement in Support of the Cook County Board of Commissioner's Resolution Urging the Illinois General Assembly to Pass House Bill 172 to Restore Judicial Discretion in the Transfer of Juveniles to Adult Court**

On behalf of the ACLU of Illinois and our 20,000 members statewide, we urge the adoption of the Resolution urging the General Assembly to pass House Bill 172. House Bill 172 offers a modicum of justice to teens facing serious criminal charges by restoring to juvenile judges the decision regarding where the youth will be prosecuted. The hearing allows a juvenile judge to take into account in making this momentous decision in a child's life, the child's age, degree of participation in the offense and individual circumstances. Some judges will transfer the youth to adult court for prosecution after taking these factors into account and others will not. House Bill 172 does not prevent any youth from being tried in adult criminal court. It merely allows the judge, rather than the prosecutor to make the venue decision.

Children are not mini-adults. They are developmentally different from adults. The U.S. Supreme Court has taken note of data regarding the developing adolescent brain. In *\*Miller v. Alabama\** the Court reaffirmed that sentencing should include consideration of a child's age and developmental characteristics such as immaturity, impetuosity and failure to appreciate risks and consequences. Once a decision to transfer a youth to adult court is made, any additional charges commence in adult court. This is the case even though children have a great capacity to change and be rehabilitated if given individualized services via juvenile court.

Youth should not be subjected to mandatory de facto life sentences and harsh prison conditions. Data has proven that youth in adult prisons are more likely to commit suicide and to be victimized, physically and sexually. Moreover the collateral consequences of adult felony convictions can stymie a child's future, preventing him or her from getting a job, from obtaining housing and an education in many cases.

As a policy, automatic transfer has failed to serve the goal of promoting safety. Treating youth as adults in fact creates recidivists. Moreover, as a policy, automatic transfer has disproportionately affected black and brown teens. Ninety-nine percent, according to the Juvenile Justice Initiative, of children automatically transferred to adult court in Cook County from 2010-2012 were minority African American or Latino. A significant majority (82%) of youth prosecuted as adults in Cook County were from Chicago.

It's time to take up the suggestion of the Illinois Supreme Court in the case of \* People v. Patterson\*, involving the Court's review of the constitutionality of the automatic transfer law, to have the General Assembly review this law, taking into account the current scientific and sociological evidence indicating a need for the exercise of judicial discretion in this decision. We urge the unanimous adoption of this Resolution in support of House Bill 172.